UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY: CP DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Romero-Arroyo** Defendant.	Magistrate Case No. '08 MJ 0602 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **July 29, 2007**, within the Southern District of California, defendant, **Jose Romero-Arroyo**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Jesus Robles, Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **February 2008.**

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
NAME: Romero-Arroyo, Jose

C EM

PROBABLE CAUSE STATEMENT

On Thursday, July 29, 2007, the defendant, identified as Jose Romero-Arroyo, was arrested in San Diego, California, by the San Diego Police Department for violation of Health & Safety Code 11350(a), Possession of a Controlled Substance; and Penal Code 148.9(a), Give False Information to a Peace Officer. The defendant was booked into San Diego County Jail. On Monday, July 30, 2007, an Immigration Enforcement Agent with Immigration and Customs Enforcement interviewed the defendant in jail and determined he was a citizen of Mexico, and present in the United States in violation of immigration law. The agent filed an immigration detainer on Form I-247 pending the defendant's release from custody. On Thursday, February 28, 2008, at approximately 10:45 a.m., the defendant was referred to the custody of United States Immigration and Customs Enforcement at San Diego, Ca. Deportation Officer Jesus Robles reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on November 8, 2005; he was removed the same day to Mexico via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed the defendant's identity as Jose Romero-Arroyo, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All information indicates that the defendant is a citizen of Mexico; was ordered removed to Mexico; was removed to Mexico; and has no legal right to enter or remain in the United States.

Based upon the foregoing information, there is probable cause to believe that Jose Romero-Arroyo has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.